

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 9:22-cv-81310-AMC

GERARDO MALDONADO JR.,
Derivatively on Behalf of Nominal Defendant
THE GEO GROUP, INC.,

Plaintiff,

v.

GEORGE C. ZOLEY, BRIAN R. EVANS,
ANNE N. FOREMAN, DUANE HELKOWSKI,
RICHARD H. GLANTON, JOSE GORDO,
SCOTT M. KERNAN, GUIDO VAN
HAUWERMEIREN, CHRISTOPHER C.
WHEELER, JULIE MYERS WOOD, J. DAVID
DONAHUE, ANN M. SCHLARB, and DAVID
VENTURELLA,

Defendants,

and

THE GEO GROUP, INC.,

Nominal Defendant.

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JOINT STATUS REPORT

Pursuant to the Court's Omnibus Order, dated November 21, 2022 [ECF No. 33], Plaintiff Gerardo Maldonado Jr. ("Plaintiff"), Defendants George C. Zoley, Brian R. Evans, Anne N. Foreman, Duane Helkowski, Richard H. Glanton, Jose Gordo, Scott M. Kernan, Guido Van Hauwermeiren, Christopher C. Wheeler, Julie Myers Wood, J. David Donahue, Ann M. Schlarb, and David Venturella (collectively, the "Individual Defendants"), and Nominal Defendant The GEO Group, Inc. ("GEO," and together with the Individual Defendants, "Defendants") hereby submit this Joint Status Report.

On November 18, 2022, the Parties' filed a Joint Motion to Stay Action, which sought a stay of this Action pending the resolution of a related, already pending, putative class action securities lawsuit: *Hartel v. The GEO Group, Inc., et al.*, Case No. 20-81063-CIV-SMITH (S.D. Fla.) (the "Securities Action"), but permitting any party to move, without prejudice, to lift the stay of this Action. *See* ECF No. 32. On November 21, 2022, the Court entered its Omnibus Order, in part granting the Joint Motion to Stay Action. *See* ECF No. 33 at ¶ 3. The Court further directed that the Parties are to file a joint status report every sixty days to update the Court on the progression of the Securities Action. *Id.* at ¶ 4.

On October 4, 2021, the lead plaintiffs in the Securities Action filed a Consolidated Class Action Second Amended Complaint ("Third Complaint") [ECF No. 46], to which the defendants filed a motion to dismiss or alternatively strike on October 18, 2021 [ECF No. 47] (the "Securities Action Motion to Dismiss"). On June 21, 2022, the Court in the Securities Action entered an Order granting the Securities Action Motion to Dismiss, in part [ECF No. 63]. Defendants in the Securities Action answered the Third Complaint on July 1, 2022 [ECF Nos. 64 & 65], and the Court entered a Scheduling Order on August 19, 2022 [ECF No. 71]. Following mediation, the parties in the Securities Action entered into a Stipulation and Agreement of Settlement [ECF No. 86]. On May 8, 2023, the lead plaintiffs in the Securities Action filed an Unopposed Motion for Preliminary Approval of Settlement [ECF No. 87]. On July 10, 2023, the Court in the Securities Action entered an Order Preliminarily Approving Settlement and for Providing Notice to the Class and scheduled a settlement hearing for November 14, 2023. [ECF No. 89].

Following the settlement hearing, the Court in the Securities Action entered a Final Judgment and Order of Dismissal with prejudice on November 17, 2023. [ECF No. 104]. The Court in the Securities Action also entered an Order Approving Plan of Allocation of Net

Settlement Fund [ECF No. 105] and an Order Awarding Attorneys' Fees, Litigation Expenses, and Awards to Plaintiffs [ECF No. 106]. The deadline for Settlement Class Members who wished to participate in the Settlement of the Securities Action to complete and submit a Proof of Claim was November 28, 2023, with Settlement administration issues to continue thereafter. Administration of the Settlement is ongoing and has not yet concluded.

The allegations in this Action arise out of facts at issue in three earlier-filed lawsuits: (1) the Securities Action; (2) a Florida state court stockholder derivative lawsuit: *Fang v. Zoley, et al.*, Case No. 50-2021-CA-008487 (Fla., 15th Jud'l Cir.) (the "State Court Derivative Action"); and (3) a federal stockholder derivative lawsuit: *Zhang v. Zoley, et al.*, Case No. 21-82061-CIV-SMITH (S.D. Fla.) (the "Zhang Federal Court Derivative Action"). A settlement has been reached in the Zhang Federal Court Derivative Action, pending in this Court before Judge Rodney Smith, and was preliminarily approved on April 16, 2024. *See* Zhang Federal Court Derivative Action, at ECF Nos. 43 & 46. A hearing to determine whether the Court in the Zhang Federal Court Derivative Action should grant final approval of the proposed settlement is scheduled for August 28, 2024. Plaintiff here, along with the plaintiff in the State Court Derivative Action, has objected to the proposed settlement in the Zhang Federal Court Derivative Action. Plaintiff reserves all rights in connection with the Zhang Federal Court Derivative Action settlement.

The Parties agree that a stay of this Action remains appropriate while the settlement administration process in the Securities Action is being completed and until the Zhang Federal Court Derivative Action makes a final determination regarding the pending derivative settlement that will have direct implications with respect to the claims asserted in this Action.

Dated: August 23, 2024

Respectfully submitted,

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